

# Exhibit 1

***United States of America ex rel. Ven-A-Care of the Florida Keys, Inc., et al.  
v. Dey, Inc., et al., Civil Action No. 05-11084-PBS***

**Exhibit to the August 28, 2009 Declaration of Sarah L. Reid  
In Support of Defendants' Common Opposition to Plaintiffs'  
Motion for Partial Summary Judgment**

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Indianapolis, IN

August 26, 2008

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1 UNITED STATES DISTRICT COURT

2 DISTRICT OF MASSACHUSETTS

3 -----X

4 IN RE: PHARMACEUTICAL ) MDL NO. 1456

5 INDUSTRY AVERAGE WHOLESALE ) CIVIL ACTION:

6 PRICE LITIGATION ) 01-CV-12257-PBS

7 -----X Judge Patti B. Saris

8 U.S. ex re. Ven-A-Care of )

9 the Florida Keys, Inc., v. )

10 Abbott Laboratories, Inc., )

11 et al. No. 06-CV-11337-PBS )

12 -----X

13 VIDEOTAPED DEPOSITION OF ADMINASTAR FEDERAL

14 by CHERYL EILER

15 The videotaped deposition of ADMINASTAR FEDERAL by

16 CHERYL EILER, produced and sworn before me, Aprille

17 Lucas, RPR, Notary Public in and for the County of

18 Hamilton, State of Indiana, taken on behalf of the

19 Defendant Dey at the offices of National Government

20 Services, 8115 Knue Road, Indianapolis, Indiana, on

21 August 26, 2008, at 1:02 p.m., pursuant to the

22 Federal Rules of Civil Procedure.

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1 A. We got them monthly, and then we would  
2 get the annual.

3 Q. At that time in '93 you would get both?

4 A. Yes.

5 Q. Now, why did you use the RedBook?

6 A. That's our instructions that was given  
7 to us by CMS.

8 Q. Were those written instructions, or did  
9 someone tell you verbally?

10 A. They were written instructions.

11 Q. What were they written in?

12 A. In a change request in a transmittal  
13 that explained how to calculate.

14 Q. So you received a change request from  
15 HCFA that said, use the RedBook to get your  
16 AWPs?

17 A. As one of our sources, yes.

18 Q. As one of your sources?

19 A. As our source.

20 Q. Did it provide any other sources to get  
21 it?

22 A. At that time you had First DataBank was

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1 another and the Orange Book.

2 Q. Did it say you could use those sources  
3 as well?

4 A. Yes.

5 Q. Did you have use those sources to price  
6 the drugs?

7 A. No, because we were just getting the  
8 RedBook, and they said the RedBook was the same  
9 fees as the others, so, in AWPs.

10 Q. So CMS said the RedBook is the same as  
11 FDB, or First DataBank, and the Orange Book, so  
12 you only need to use the RedBook?

13 A. CMS didn't say that. That was the  
14 people that I asked if I needed to get those  
15 sources here, as far as my counterparts at the  
16 other contracts and that, so.

17 Q. So you would ask other DMERCs at the  
18 time --

19 A. Yes.

20 Q. -- if you would ever have to use the  
21 Orange Book or FDB?

22 A. Yes.

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1 Q. And they said don't worry about it,  
2 because it's the same?

3 A. We got the Orange Book and the First  
4 DataBase, but the First DataBase discontinued its  
5 publications. So while we could get it, we got  
6 it, but it was the same as the RedBook, as far as  
7 the information.

8 Q. And when was it discontinued? Do you  
9 know?

10 A. I don't recall. It was shortly after I  
11 took over, so.

12 Q. So whatever RedBook publication you  
13 could use -- I'm sorry, whatever First DataBase  
14 publication you could use was discontinued?

15 A. Yes.

16 Q. And then the Orange Book --

17 A. We didn't use that at all, because we  
18 weren't told to use that.

19 Q. Did you have access to that?

20 A. No.

21 Q. But you did have access to First  
22 DataBase for a short period of time?

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1 A. Yes.

2 Q. And that was a database -- was it a  
3 print publication or --

4 A. It was a print. I want to say it was  
5 called First DataBase. They called it the  
6 BlueBook.

7 Q. So there was a BlueBook and the Orange  
8 Book?

9 A. Yes, BlueBook, and the RedBook, and the  
10 Orange Book, all the colors.

11 Q. And to your recollection, they stopped  
12 making the BlueBook?

13 A. Yes.

14 Q. Shortly after you took over as a DMERC?

15 A. Yes.

16 Q. Now, other than the RedBook or the  
17 BlueBook or the Orange Book, were there any other  
18 sources that you could consider?

19 A. I would -- if I needed to question, you  
20 know, the product as far as the dosage and that,  
21 I would use the PDR book to, you know, just look  
22 it up. But as far as for fees, the RedBook was